

**Agricultural Best Management Practices (BMP) Committee
Meeting Minutes**

Thursday, January 14, 2016, 2: 00 p.m.

Arizona Department of Environmental Quality, Conference Room 3175

1110 W. Washington St., Phoenix, Arizona 85007

Call-in Number: (877) 820-7829, Pin: 228497#

Committee members present: Dan Thelander (Chair), Eric Massey, Kevin Rogers, Brett Cameron, Marguerite Tan, Glenn Hickman, Michael Sundblom, and Shane Burgess (phone).

Committee members absent: Wade Accomazzo, Keisha Tatem, Will Rousseau, James Walworth, Glen Curtis, and Earl Petznick Jr.

Additional attendees: Mike Billotte, Liz Foster, Bryan Mandalfino, Billy Hickman, Cheryl Goar, Brittany Bingold, Ryan Templeton, Randy Sedlacek, Heidi Haggerty, Richard Sumner, Robert Schuler, Linda Butler, Mike Butler, Connie Blayney, Rusty Van Leuven, Mike Wirth, Dan Mack, Michael Orman, Emily Bonani, Rick Lavis, Ana Kennedy-Otto, Kathy Martin, Danielle Diamond, Kimberly Butler, Kazi Haque, Bas Aja, and Justine Miller.

Welcome

Chairman Thelander opened the meeting welcomed everyone, and asked all committee members and attendees to introduce themselves. Following introductions, Chairman Thelander made note that a quorum was present.

Discussion & Possible Action on the Proposed Best Management Practices Rule

Chairman Thelander introduced the topic and requested that Robert Schuler provide information and background on the proposed Best Management Practice (BMP). Robert stated that the BMP involves the use of a rotary dryer to dry chicken manure equipped with either a baghouse or a wet scrubber to reduce the amount of particulate matter emitted. Kevin Rogers asked Mr. Schuler whether it was similar to that used on cotton gins around the valley. Eric Massey requested permission to respond and provided that the operation had similarities and differences to the equipment seen on the cotton gin. Mr. Rogers asked whether there are any negatives that would impact the surrounding communities. Mr. Schuler responded that he could not speak directly for the neighbors but the machinery cuts the emission output. He then stated that maintenance, observations, and record requirements are included in the BMP. The question of impact was directed at committee member Glenn Hickman, who responded that there was nominal noise associated with the machine operation.

Chairman Thelander provided a brief overview of the Agricultural Best Management Practices program and its function to reduce emission of particulate matter. He stated that it is the committee's responsibility to come up with practices that the agricultural community can use to lower emissions. The Chairman then entertained a motion to adopt the language of the best management practice

presented, Marguerite Tan moved to adopt and Brett Cameron seconded. Chairman Thelander opened the floor for discussion.

Mike Butler requested the opportunity to speak and questioned use of the manufacturer specifications as the baseline requirements for the installation, operation, and maintenance of the equipment. He read a statement written by his neighbor regarding the regulation of a rotary dryer as an industrial source not under the BMP program. Eric Massey responded by explaining the existence of a state statute that preempts regulation of agricultural activities and creates a regulatory gap for the equipment. It is because of that gap Maricopa County does not have regulatory authority. As a result the equipment must be included in the BMP; otherwise, there would be no regulation. Mr. Massey then provided an explanation of the general manufacturer's operation requirements. Mr. Butler requested permission to circulate photographs of equipment that would fall under the proposed BMP in operation and stated that they are experiencing foul odor as a result of the activities and children are in the area.

Discussion followed about the day to day and loading operations of the facility pictured. Upon Mr. Schuler's inquiry, Mr. Butler stated that the pictures were taken in 2014 and 2015. Billy Hickman then stated that the equipment pictured is likely the test project that was removed in July 2015 and it is also currently operating at a substantially lower capacity.

Mike Wirth questioned whether the operation would occur in both Arlington and Tonopah Hickman Farm locations. Mr. Schuler responded that his understanding is only Arlington. Mr. Wirth requested the committee proceed slowly on the issue and thanked them for their time. Dan Mack then inquired as to who is responsible for making observations on the equipment. Mr. Schuler responded the company had the responsibility, then Mr. Massey provided an explanation of how the ADEQ inspections work and encouraged the citizens to call with complaints when appropriate.

Chairman Thelander took the floor and explained that the BMPs fall into the committee's jurisdiction and it is their responsibility to create a menu of things operators can do to reduce PM10 emission. He went on to state that the committee was not there to regulate odors and the proposed BMP looks like a positive option.

Kevin Rogers reiterated that the BMPs were a menu of options and questioned whether there are any other dust mitigation options that the committee could put on the list at that time. Both Mr. Schuler and Mr. Massey stated that the BMP before the committee was the best option and that it can always be changed in the future to accommodate additional options. Mr. Butler raised a question on the inspection process, to which Chairman Thelander responded that it was an issue to be taken up with ADEQ.

Chairman Thelander then took comments from the conference line. Kathy Martin questioned the wording of the BMP as proposed, asserting that it didn't make sense. She stated the method of observations were open-ended and didn't address all potential compounds that would interfere. Ms. Martin suggested reference to only the emissions that flow through the baghouse may not be adequate. She also stated that testing based on time was inadequate and there should be some specificity to the throughput or number of tons of manure.

Mr. Schuler responded that language is written to fit in with the overall structure of the BMP program. Chairman Thelander stated that the baghouse equipment is used to reduce emissions from drying the manure and the committee looks at BMPs for drying of manure. Chairman Thelander remarked that the absence of the equipment would result in a lot of emissions and the goal of the committee is to

adopt practices that reduce emissions. Chairman Thelander then asked if there was anything else from the committee before vote.

Glenn Hickman requested to recuse himself from the vote since his company is the only poultry producer. Chairman Thelander then called for a vote, and all committee members voted in favor; the motion was passed and the new poultry BMP was adopted by the committee.

Discussion & Possible Action on the Annual Report / Third Year Survey Report Forms

Chairman Thelander requested that Heidi Haggerty of the ADEQ present on the three year survey the committee has developed and the three year survey ADEQ is presenting. Ms. Haggerty provided a brief introduction and background on the survey and why it is necessary for ADEQ to obtain the data. Chairman Thelander then requested Rick Lavis speak on the issue. Mr. Lavis stated that there is an ongoing discussion between the committee and ADEQ as to the points and information that should be contained in the survey. Mr. Lavis stated that the certainty the Department wants to create through the survey is difficult because there seem to be too many things that would be required of the farmers. He expressed concern that if it becomes too onerous then the agricultural community would likely not complete it at all.

There was further discussion between Ms. Haggerty and Mr. Lavis regarding the requirement to submit certain calculations by ADEQ to the EPA. During this time, the surveys proposed by ADEQ were distributed along with example calculations showing the benefit of the information requested by ADEQ. The conversation concluded with Mr. Lavis stating that there was more work to do and conversations to take place before an agreement could be reached. Kevin Rogers requested a handout of the survey created by the committee for comparison. Mr. Rogers remarked that the committee and farmers wanted to work cooperatively but don't want the survey to become overly burdensome. Mr. Rogers went on to state that the success of the program is because it isn't cumbersome and is user friendly for the agricultural community. Mr. Rogers requested that the survey be a one page document, or as close as possible, to provide ease in keeping record and access to ADEQ upon inspection. He concluded that anything more makes it difficult to get and retain participation by the agricultural community.

Heidi responded that the issue ADEQ is having is that the department must connect the acreage of each crop with the BMP implemented; such connection is necessary to get full emission reduction credit. Failure to make that connection would result in EPA using the most conservative emission reductions estimates applied to the largest acreage of farmland. Eric Massey commented that the purpose of the survey is to ensure the agricultural community gets full credit for the activities they are implementing on their farm to reduce PM emissions. Mr. Massey acknowledged that there is additional work to be done to provide the committee with a survey all parties can agree to. He suggested that it be taken back to the advisory committee for continued development.

Chairman Thelander requested continued patience from ADEQ and expressed a desire to, at a future time, have a product that fits ADEQ's needs and the needs of the agricultural community. Kevin Rogers asked how much time there was to make such a decision. Mr. Massey replied that a decision before EPA makes a final decision on the Pinal plan is preferable; the next six to twelve months. The issue was tabled for a later date.

Discussion & Possible Action on Election of Chairman

Chairman Thelander notified the committee that his service as chairman since the inception of the AgBMP committee would come to an end and he is not seeking reappointment. Chairman Thelander stated that the committee has done a lot of good things, has been helpful to the process of creating nonattainment plans, and has also benefitted from the process. Chairman Thelander noted that the committee could not have an election of a new chairman until the completion of the appointment or reappointment of all committee members. He stated that he would continue to serve as chairman until a replacement is elected.

Kevin Rogers recalled the Farm Bureau meeting where he had first heard about air quality issues and nonattainment areas. He stated that the committee's work all started because Chairman Thelander was able to drive the agricultural community to sit down with EPA. Mr. Rogers remarked that the committee is used as an example across the country in areas that face similar air quality issues. Mr. Rogers then presented Chairman Thelander with a plaque and thanked him for his service. Chairman Thelander accepted the plaque and thanked everyone. Eric Massey also offered his thanks to Chairman Thelander for his leadership and partnership.

Call to the Public

Chairman Thelander made the call to the public. Hearing none, Chairman Thelander moved to adjourn the meeting.

Adjournment

Chairman Thelander adjourned the meeting at 3:13 p.m.